HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17704 of 2007

Dated:21.08.2007

Between:

Alla Savithramma.

…Petitioner.

and

District Collector and others.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17704 of 2007

ORDER:

The petitioner purchased an extent of Acs.3.00 of land in survey No.35-10 situated at Kapusomapuram Village of S.Kota Mandal in Vizianagaram District, under registered sale deed, dated 12.10.1992. The third respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, and issued three orders on 26.10.1997. In one such order, resumption of land admeasuring Acs.4.60 in survey No.35/10 is ordered. In other two orders, resumption of land in an extent of Ac.0.78 in survey No.35-9 and an extent of Ac.0.84 in survey No.35/11 situated in the same village, is ordered. Aggrieved by these orders, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the petitioner is not at all in possession, nor concerned with the land in survey No.35-9 and 35/11. Insofar as the land in survey No.35/10 is concerned, he contends that the notice in Form II, as required under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules 2007, was not issued to the petitioner and that though an explanation was not submitted, the Tahsildar proceeded as if explanation was submitted. It is also brought to the notice of this Court that in a similar writ petition, being W.P.No.16693 of 2007, this Court set aside the order and remitted the matter to the original authority directing to reconsider the matter within a period of two weeks. In the Court order, dated 08.08.2007, the matter was disposed of in the following manner.

> ... Curiously third respondent who appears to have used a printed proforma filled up the same and issued the impugned order without applying mind. Though the remedy of appeal is available having regard to this, this Court is of considered opinion that petitioner may be given liberty to submit explanation to the show cause notice dated 02.05.2007 (copies of which are supplied to learned Counsel for petitioner in the Court) within a period of two weeks from the date of receipt of a copy of this order. After receiving such explanation, third respondent shall consider all the documents submitted by the petitioner along with other documents on record and pass order within a period of two weeks thereafter. The impugned order is accordingly set aside and there shall be status quo with regard to possession as on today.

This Writ Petition is also disposed of in similar terms giving liberty to the petitioner to submit explanation within two weeks, after obtaining a copy of Form II notice from the office of the Tahsildar. After receiving such application, the Tahsildar, S.Kota Mandal, may pass necessary orders within a period of two weeks. The impugned orders are accordingly set aside. No costs.

_____

(V.V.S.RAO, J)

21.08.2007

GJ